

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 9 RULES AND REGULATIONS FOR STATISTICAL REPORTING AND CONFIDENTIALITY OF STATISTICAL DATA FOR MARINE FISHERIES IN THE STATE OF MISSISSIPPI

Chapter 01 Introduction

Purpose

- 100 This Part provides regulations for the recording, reporting, and confidentiality of Mississippi seafood landings.

Chapter 02 Justification and Authority

- 100 The Mississippi Commission on Marine Resources (MCMR) has determined, that in order to properly and effectively manage the marine fisheries resources of the State of Mississippi and to monitor and assess the effectiveness of regulations set for the by the MCMR for the protection, conservation, or propagation of all shrimp, oysters, commercial fish, and crabs in the waters under the territorial jurisdiction of the State of Mississippi, it is necessary to obtain information on marine fish and shellfish landed or processed in the State of Mississippi.
- 101 The MCMR is aware that information gathered under its authority may often be of a confidential nature, the unauthorized disclosure of which could be prejudicial or harmful.
- 102 Mississippi Code Ann. § 79-23-1 (1), as amended, exempts from the Public Records Act of 1983 proprietary information required to be submitted to the Mississippi Department of Marine Resources (MDMR).
- 103 The MCMR is authorized to enact all regulations necessary for the protection, conservation, or propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi, as provided for in Mississippi Code Ann. § 49-15-15, as amended.

Chapter 03 Confidentiality

- 100 All data collected or otherwise obtained by statistical personnel in the course of their duties and other landings data collected by information confidentiality officers of the MDMR are confidential, and unless specific authorization is given, are not to be divulged, except in aggregate form, to any person except employees of the MDMR designated as information confidentiality officers, the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS), or agencies of other

states that have executed a memorandum of understanding for the sharing of statistical information with the MDMR and the NMFS; whose duties require this information, and have provisions at least as protective for maintaining the confidentiality of such information, except as permitted by law or court order. Information confidentiality officers for the MDMR shall be designated as such in writing by the MDMR Director of Marine Fisheries Office. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business of any such person. The MDMR will not voluntarily release confidential information to other state or federal agencies, except as provided for above, and to the fullest extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. The MDMR will not disclose confidential statistics under court order without specific approval by the State Attorney General's Office.

Chapter 04 Record Keeping

- 100 Each firm or individual, whether or not licensed by the MDMR, purchasing red drum, spotted seatrout, flounder, and/or cobia for resale from commercial fishermen, will keep a record of quantity and species purchased from each commercial fisherman and record the license number of the commercial fishermen on the purchase receipt for inspection by MDMR personnel.

Chapter 05 Enforcement Personnel Authorized to Inspect Sales Receipts

- 100 MDMR enforcement personnel are authorized to inspect any and all seafood purchase and/or sales receipts from firms or individuals, whether or not licensed by the MDMR to ensure reporting requirements listed in this Part. MDMR enforcement personnel may not reveal confidential information except as it applies in violations of the reporting requirement in this Part.

Chapter 06 Shrimp Landings Reporting Requirements

- 100 Information confidentiality officers of the MDMR are authorized and empowered to obtain information on each vessel or boat trip landed in Mississippi. Data obtained from the captain or other crewmen is as follows: total catch in pounds by species and size count, ex-vessel price by sizes, condition landed (heads-on, heads-off), area fished, depth fished, and the number of hours fished in each area. Since it may not be feasible to interview persons from every vessel or boat, copies of the purchase slips will be required and obtained from each processing or landing firm. Interview data from vessels or boats will serve as a sample, while data obtained from the processing or landing firms will be utilized to establish total landings. Seafood dealers shall be required to maintain the total catch in pounds by species and size count, ex-vessel price by sizes, condition landed

(heads-on, heads-off), and the registration or documentation number of the vessel, and the name of the vessel if applicable.

Chapter 07 Crab Landings Reporting Requirements

- 100 The quantity landed by each crabber will be obtained from each firm weekly. Information confidentiality officers may copy firm records and interview crabbers to determine areas in which traps are set and numbers of traps set. The quantity of crabs caught incidentally by any other means and sold, will also be reported by each landing or processing firm.

Chapter 08 Finfish Landings Reporting Requirements

- 100 Each firm or individual, whether or not licensed by the MDMR, purchasing finfish from fishermen will keep a record of quantity and species purchased from each fisherman. The MDMR may provide forms to record finfish purchases. Completed forms are to be submitted to information confidentiality officers upon request. Information confidentiality officers may also require each captain to furnish sample trip interviews on the quantity of each species taken, the method of fishing, the area and depth fished, and number of hours fished. Response to questionnaires will be required of fishermen on demand, reporting catch by species and area of capture when requested by an information confidentiality officer, regardless of whether the fish were sold, given away or consumed by the fisherman. Reporting may be by questionnaire mailed to each fisherman.

Chapter 09 Pet Food Landings Reporting Requirements

- 100 Tonnage of fish landed, area fished, depth fished, and the number of hours fished in each area, will be reported to the MDMR for each vessel landing these fish in the State of Mississippi. Weigh-outs, actual weight of catch, will be obtained from the firm where the catch was landed.

Chapter 10 Menhaden Landings Reporting Requirements

- 100 The captains of each vessel fishing for menhaden (*Brevoortia* sp.) in Mississippi waters is required to maintain a logbook and complete all logbook entries for each set made during each day's operation. Reports may be collected bi-weekly by personnel of the MDMR. Logbooks may be furnished by the MDMR. The captain of each vessel must follow the printed instructions contained in each logbook. An annual report by month on processed products (meal, oil, and solubles) will be required of each firm.

Chapter 11 Bait Operator Landings Reporting Requirements

- 100 Daily records on catches of live bait shrimp and sales of bait (shrimp, chum, squid, crabs, bull minnows) and other bait products shall be kept and reported on forms furnished by the MDMR, and shall be submitted to the MDMR on a monthly basis. Live Bait Dealer Reports shall be postmarked no later than the fifteenth day of the month following the monthly reporting period.

Chapter 12 Oyster Landings Reporting Requirements

- 100 Oysters must be inspected by the MDMR for size and quantity. If the inspection is satisfactory, oyster tags will be issued to be filled out and placed on the containers by the oystermen as specified in Miss. Code Ann. § 49-15-42, as amended. If the oysters are sold, the purchaser's name must be included on the tags. All oysters processed in the State of Mississippi, regardless of their origin, shall be reported by each processor to the MDMR information confidentiality officers on demand.

Chapter 13 Recreational Fishing Landings Reporting Requirements

- 100 Persons engaged in recreational fishing in waters under the jurisdiction of the MDMR or landing fish in Mississippi shall be required to furnish information pertaining to such fishing when requested by an information confidentiality officer. Charter boat or head boat captains operating in Mississippi waters will be required to complete questionnaires furnished by the MDMR for each trip. Completed questionnaires will be furnished to an information confidentiality officer upon request.

Chapter 14 Unauthorized Disclosure

- 100 The unauthorized disclosure by any individual of any confidential information obtained by the MDMR is a violation of this Part, and is punishable upon conviction in accordance with Miss. Code Ann. § 49-15-63, as amended.

Chapter 15 Penalties

- 100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. § 49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended.

Chapter 16 Chapters and Subchapters Declared Separable

- 100 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 09 shall remain in full force and effect.
- 101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

Chapter 17 Administrative Procedures Act

- 100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 9.004 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

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PART 9 RULES AND REGULATIONS FOR STATISTICAL REPORTING AND
CONFIDENTIALITY OF STATISTICAL DATA FOR MARINE FISHERIES
IN THE STATE OF MISSISSIPPI**, shall be in effect and be in force from and after the
_____ day of _____, 2006.

Adopted this the _____ day of _____ 2006.

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D., Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, Ph.D., Executive Director